HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.5718 of 2004

Date of decision : 18.5.2007

M/s Bahiya Finance and Leasing Company .....Petitioner

versus

M/s Daulat Ram Chanan Ram and another .....Respondent

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present: Sh.Sandeep Punchhi, Advocate for the petitioner.
Sh.Naveen Mahajan, Advocate for the respondent.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 16.10.2004 passed by the learned trial Court whereby Issue No.2 has been struck off as the said issue was framed inadvertently.

The plaintiff-respondent has filed a suit for recovery of Rs.3,20,000/- on the basis of entry in the account books executed by defendant No.2. Issue No.1 was framed which is to the effect, "Whether defendant No.2 took a loan of Rs.2,00,000/- from the plaintiff on interest at the rate of 1.75% per month? OPP." The issue No.2 which has been struck off was to the effect, " Whether the factum of taking loan by the defendant from the plaintiff was admitted by Smt.Komal Bahiya w/o defendant No.2 in his affidavit dated 23.3.2000? OPP." The Court found that Issue No.2 is not relevant as it is not the case of the plaintiff that factum of loan by the plaintiff was admitted by wife of defendant No.2 by filing an affidavit. In any case, defendant No.2 has taken a loan or not

and such affidavit is relevant or not are the matters which are covered in Issue No.1 itself.

Therefore, I do not find any illegality or irregularity in the order passed by the learned trial Court which may warrant interference of this Court in exercise of its revisional jurisdiction.

The revision petition stands dismissed.

(HEMANT GUPTA)
JUDGE

May 18, 2007
**mohinder*